

REMARKS

Introduction

Claims 1-159 are pending in this case.

The Examiner rejected independent claims 1, 53, 80 and 133 under 35 U.S.C. §103(a) as being unpatentable over Alten et al. U.S. Patent No. 5,781,246 ("Alten") in view of Florin et al U.S. Patent No. 5,594,509 ("Florin"). All of the dependent claims were also rejected as being obvious in view of Alten and Florin either alone or in combination with various third references.

The Examiner's rejections are respectfully traversed.

Applicants' Reply to the Examiner's Rejections

Applicants respectfully submit independent claims 1, 53, 80 and 133 are patentable over Alten and Florin because 1) the proposed combination of the references does not show or suggest all of applicants' claimed features and 2) the Examiner has failed to provide the necessary suggestion or motivation or to combine the references.

Applicants' claims are directed to a program guide with niche hubs. The niche hubs allow the user to access program listings and other interactive television features relating to a category of television programming. The currently pending claims require that the recited niche hub be "customized for the particular user." Additionally, the independent claims recite that the "at least one other feature" (i.e., a feature other than listings of television programs) must also be selected by the particular user to be included in the niche hub.

The Examiner states that Alten does not disclose "the niche hub is customized for the particular user" (Office Action, p. 4, line 3). However, the Examiner contends that

Florin shows this feature and cites to col. 20, lines 2-24 of Florin (Office Action, p. 4, lines 4-7).

Contrary to the Examiner's contention, applicants respectfully submit that Florin fails to show or suggest (1) a niche hub having listings of television programs related to a category and at least one other feature related to the category, and (2) the niche hub that is customized for the particular user, where the at least one other feature is selected by the particular user to be included in the niche hub as recited by applicant's independent claims 1, 53, 80 and 133.

Florin describes "methods and apparatus for presenting an improved audio-visual user interface for selecting and displaying cable television or other audio-visual programs, as well as controlling various audio-visual devices and interactive services" (Florin, col. 2, lines 36-40).

In one approach of Florin, while viewing the television, the user may press a categories button on a remote control device, which results in the display of a television categories menu bar on the television screen. The categories menu bar may include icons representing the following categories: all, favorites, movies, sports, news, and music videos. The user may then select one of these categories to view a list of television programs within the selected category. Alternatively, the user may select one of these categories to view a list of sub-categories. For example, the favorites category may include the following sub-categories: frequently viewed programs, marked programs, programs to be recorded, and personalized favorites (e.g., "Mom," "Joe"). The list of programs associated with each personalized favorites sub-category includes only the programs that match

previously-defined interests. (Florin, col. 3, lines 9-44, col. 18, line 9-col. 20, line 13, FIGs. 28, and 30).

In another approach of Florin, while using the VCR (i.e., while viewing a VCR listing), the user may press the categories button on the remote control device to find all previously recorded programs (Florin, col. 20, lines 14-24).

In yet another approach of Florin, while accessing telephone information, the user may press the categories button on the remote control device to find phone listings according to telephone directory information (Florin, col. 20, lines 14-24).

In Florin, only one type of listing is associated with each category depending on the device being accessed: when using the television, the categories include only television program listings; when using the VCR, the category includes only previously recorded program listings; when accessing telephone information, the category includes only phone listings. In addition, in Florin, the user can only create a personalized favorites sub-category of program listings. Florin does not show or suggest 1) a niche hub having listings of television programs related to a category and at least one other feature related to the category, and (2) the niche hub that is customized for the particular user, where the at least one other feature is selected by the particular user to be included in the niche hub as recited by applicant's independent claims 1, 53, 80 and 133 (emphasis added).

For at least the foregoing reasons, independent claims 1, 53, 80 and 133 are patentable over Alten and Florin, whether taken alone or in combination.

Applicants further submit that the Examiner failed to provide sufficient suggestion or motivation for combining Alten with Florin. In re Rouffet, 149 F.3d 1350, 1355 (Fed.

Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references"); see also MPEP §§ 2142 and 2143.01. It is well-settled that an Examiner can "satisfy this burden only by showing some objective teaching . . . that would lead [one of ordinary skill in the art] to combine the relevant teachings of the references." In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

However, instead of providing a proper motivation to combine Alten with Florin, the Examiner merely relies on the following insufficiently broad and conclusory statements:

In this case, where motivation is not explicitly cited by the reference, the motivation is found in knowledge generally available to one of ordinary skill in the art (Office Action, p. 2, lines 12-13, emphasis added).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Alten to include customizing a niche hub for the particular user, as taught by Florin, for the benefit of providing customized niche hubs that contain items of particular interest to the particular user (Office Action, page 4, lines 8-12).

Here, because the Examiner admits that Alten does not show or suggest "the niche hubs customized for the particular user," the Examiner relies solely on applicants' "disclosure as a blueprint for piecing together the prior art to defeat patentability," which is insufficient as a matter of law. In re Kotzab, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999); see also In re Lee, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002) ("The factual inquiry of whether to combine references must be thorough and searching"); MPEP § 2143.

Accordingly, for at least the foregoing reasons, applicants submit independent claims 1, 53, 80 and 133 are patentable over Alten and Florin because 1) the proposed

combination of the references does not show or suggest all of applicants' claimed features and 2) the Examiner has failed to provide the necessary suggestion or motivation to combine the references.

Applicants respectfully submit the foregoing demonstrates that independent claims 1, 53, 80 and 133 are patentable. Accordingly, applicants submit claims 2-52, 54-79, 81-132 and 134-159, which depend from respective claims 1, 53, 80 and 133, are also patentable.

Conclusion

Applicants submit this application is now in condition for allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,

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